

From: [Jeff Vescovi](#)
To: crogers@serpeandrews.com; ballen@serpeandrews.com; slujan@serpeandrews.com
Cc: [Jessica Hernandez](#); [Paul Kennedy](#); [Andrea Goodwin](#); [Elizabeth Harrison](#)
Subject: Reinstatement Offer
Date: Friday, February 14, 2025 4:33:00 PM
Attachments: [Signed Rejection of Reinstatement.pdf](#)

Cody and Blade,

We spoke with our client regarding the WCA's offer of reinstatement. Our client wishes to reject the offer. I have attached the letter to this email.

It is our position that the terms of reinstatement violate our client's statutory and constitutional rights. Specifically, the letter would require she agree to become "an at-will exempt employee" to "serve at the pleasure of the Office of the Governor." This is directly contrary to NMSA 1978, Section 52-5-2(C) which states that violations of the Code of Judicial Conduct "shall be exclusive grounds for dismissal" prior to the expiration of a WCJ's term. The letter also prohibits Ms. Riley from contacting "any member of the NMWCA staff, other than Cathy Farrell," while she is on paid administrative leave. This provision violates Ms. Riley's freedoms of speech and association under both the state and federal constitutions. Ms. Riley should not have to agree to these conditions, especially before the State Personnel Board has conducted a proper hearing.

We filed our preliminary injunction in this matter to preserve the status quo until the federal court could properly assess Ms. Riley's claims. The status quo here is nothing less than full reinstatement. Ms. Riley should be allowed to work on pending cases and speak to her coworkers. The WCA's offer of reinstatement does not preserve the status quo. It strips Ms. Riley of her statutory protections, constitutional rights, and her ability to resolve pending cases.

Just to be clear, although Ms. Riley is rejecting the present offer of reinstatement, by no means is she resigning from her position as a WCJ or waiving her entitlement to full reinstatement. We will continue to pursue a preliminary injunction with the federal court ordering the WCA to fully reinstate Ms. Riley on favorable terms pending resolution of this matter.

Respectfully,

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